THE HONOURABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 739 of 2005

Date:04-10-2007

Between:

D.Koteshwaramma and five others

…Petitioners

AND

The District Collector, Ongole, Prakash District and three others

..

Respondents

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ORDER:

The petitioners question the action of the respondents in trying to evict them from the land of an extent of Ac.5.01 cents located in S.No.334/6 of Chejerla village, Ongole madnal, Prakasham District without following due procedure of law and in not granting pattas in their favour, as illegal and arbitrary.

It is stated that the petitioners have been in possession and enjoyment of the aforesaid land and without following due procedure of law, the respondents are trying to evict them from the land.

A counter has been filed by the respondents 1 to 4 stating that, in fact, the land in Sy.No.334/6 measuring an extent of Ac.05.01 cents is classified as assessed waste dry as per village accounts and during the year 1410 fasli, the then Panchayat Secretary has issued a copy of extra of Adangal No.3 account entering the names of the petitioners as enjoyers and there is no entry in the cultivation over the land, but revenue receipts have been issued illegally by the village administrative officer in favour of the petitioners and on inspection of the said land by the Mandal Revenue Officer, Ongole and the executive staff, it was found that the land is vacant and there is no cultivation in the said land and accordingly, the Mandal Revenue Officer, Ongole granted DKT pattas to the eligible persons viz. Sk.Mohammad Hussain, Gade Kotamma, Chaganti yedukondalu Reddy, Pattan Mahabob Saheb, and Gadde Vajramma in the year 2005 itself and they are in possession and enjoyment of the same.

In view of the above, I am of the opinion that without questioning the assignment orders, the petitioners are not entitled for any relief.

Accordingly, the writ petition is dismissed with liberty to question the assignment orders. No costs.

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V.ESWARAIAH, J.

Date:04.10.2007
ccm